



Silvertown Tunnel Development Consent Order

London Borough of Lewisham

Responses to Applicant's Deadline 4 Submissions

PINS Reference	TR10021	
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1. INTRODUCTION

- 1.1 Transport for London (“TfL”) submitted the application for the Silvertown Tunnel Development Consent Order (“DCO”) in April 2016. The DCO Examination began in October 2016. The London Borough of Lewisham (“LB Lewisham”) is considered a ‘neighbouring borough’ for the purposes of the Silvertown Tunnel DCO.
- 1.2 LB Lewisham has submitted written submissions throughout the examination process and attended a number of Issue Specific Hearings (ISHs) to make oral representations.
- 1.3 LB Lewisham’s key concerns with the proposed scheme remain as per those set out in their written submissions including its Written Representation (document reference: REP1-023) and Local Impact Report (document reference: REP1-024). LB Lewisham also provided written submissions on the Examining Authority’s (ExA) first written questions (document reference: REP1-025), and TfL’s responses to the ExA’s first written questions (document reference: REP2-012). LB Lewisham has also provided written submissions on the ExA’s second written questions (document reference: REP4-021).
- 1.4 LB Lewisham has also set out its concerns with the detail of the wording of the draft DCO and made oral representations on this at the Issue Specific Hearing (ISH) on 19 January 2017. The details of Lewisham’s concerns with the wording of the draft DCO are principally set out in the following submissions; Written Representation (document reference: REP1-023), Wording of the DCO document (document reference: REP2-012), Post hearing submissions on the DCO (document reference: REP3-037) and Responses to Examining Authority’s Written Questions and Requests for Information (document reference: REP4-021).

- 1.5 Whilst TfL has provided written comments on some of Lewisham's concerns throughout the process and has provided an updated draft DCO at Deadline 4 (document reference: REP4-025), the comments and amendments do not adequately address LB Lewisham's concerns. LB Lewisham has also met with TfL three times since Deadline 3 to discuss Lewisham's concerns.
- Two meetings in relation to traffic (attended by Lewisham's transport consultants, Project Centre) covering;
 - Monitoring and triggers.
 - Silvertown Tunnel Implementation Group.
 - Commitment to bus services.
 - One meeting in relation to air quality (attended by Lewisham's air quality consultants, Phlorum).
- 1.6 Whilst it was useful to continue discussions with TfL about LB Lewisham's concerns – both through meetings and the sharing of draft documents, LB Lewisham's concerns and objections remain as per their written documents and oral representations made at the ISHs, as TfL has not sufficiently addressed the concerns.
- 1.7 The ExA published the second written questions and requests for information on 10 February 2017 and TfL submitted its responses to those questions on 6th March 2017. Section 2 of this document sets out LB Lewisham's comments on the Applicant's responses to the relevant questions within the following sections of the questions;
- GA. General (Document ref: REP4-051)
 - DC. DCO wording (Document ref: REP4-052)
 - TT. Traffic and transportation (Document ref: REP4-055)
 - AQ. Air quality (Document ref: REP4-056)

- 1.8 TfL provided LB Lewisham and the other neighbouring boroughs with their current draft versions of three key documents (Draft combined Monitoring and Mitigation Strategy / Draft Deadline 4 DCO / Draft Bus Strategy) on Tuesday 28 February 2017.
- 1.9 LB Lewisham provided initial comments to TfL on these documents on 2nd March 2017. LB Lewisham notes that the following documents submitted by TfL at Deadline 4 were broadly similar to the draft versions provided to the Borough by TfL on 28th February 2017:
- draft DCO Revision 4 (Document ref: REP4-025)
 - combined Monitoring and Mitigation Strategy (Document ref: REP4-046)
 - revised Bus Strategy (Document ref: REP4-044)
- 1.10 In light of the above, LB Lewisham's comments made at Deadline 4 (within document ref: REP4-021) on the above documents remain and further comments are made in Section 3 of this submission.

2. LONDON BOROUGH OF LEWISHAM'S COMMENTS ON THE APPLICANT'S RESPONSES TO THE SECOND WRITTEN QUESTIONS

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF LEWISHAM'S COMMENTS ON APPLICANT'S RESPONSE
GA2	General		
GA2.1	Applicant	<p>Distribution of Benefits: Given that the further analysis provided in REP3-024 still shows that the imposition of user charges would have a detrimental impact on low income users of private vehicles needing to commute through the tunnels:</p> <ol style="list-style-type: none"> 1. Please provide the DCO obligation or other means to give effect to the suggested waiving of the account registration fee for residents within the host boroughs or other defined local area and concessions for local users of the proposed new additional bus services to be provided through the tunnel. 2. Please also provide an update on the intended means for cyclists to cross the river economically at this point whether by a bus cycle shuttle and/or concessionary charges on the AirLine (or other means). The outcome of such a consideration would be another measure for inclusion in a DCO obligation. 	<p>LB Lewisham is one of the most deprived boroughs in England.</p> <p>It is noted that the Applicant proposes to waive the first year registration fee for scheme users within the host boroughs. LB Lewisham also considers that this should be extended to apply to scheme users within the neighbouring boroughs, particularly those with high levels of deprivation.</p> <p>LB Lewisham notes in Policy 6, a 50% concession on the user charges to low income residents of host boroughs. From the outset, LB Lewisham has stated that the methodology for a discount must be fair and not purely based on borough boundaries. LB Lewisham wants the residents of the borough who meet the criteria to be eligible for the discount, otherwise the imposition of user charges will have a detrimental effect on low income users of private vehicles needing to commute through the tunnels.</p> <p>Now that TfL are agreeing to apply discounts, it is essential that discounts to be applied on a fair basis (e.g. distance) and inclusive of LB Lewisham</p>

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			<p>residents.</p> <p>Currently, residents in Lewisham will not be eligible for the concessions, even though many of the Borough's affected residents live much closer, are more deprived, and will be more affected than parts of the host boroughs. LB Lewisham object to this clear unfairness.</p> <p>LB Lewisham's comments on the proposed bus concessions are provided in Section 3 of this submission.</p> <p>LB Lewisham welcomes the commitment to a trial cycle shuttle service. However, the results of the trial should be shared with members of STIG not just the host boroughs so that a holistic review of the results can be undertaken.</p> <p>LB Lewisham is disappointed that there are no firm proposals to enhance the AirLine with concessionary charges.</p>
GA2.4	Applicant	<p>Distribution of Benefits: In the further comment on the submissions of the Motorcycle Action Group [REP1-068], the Applicant points out that there is a higher level of motor cycle ownership among higher income groups. However, such ownership among higher income groups could be for recreational use and the analysis presented is</p>	<p>LB Lewisham provides comments on the Applicant's response to this question in its comments on the low income discount proposed by the Applicant in its response to TT2.8.</p>

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		<p>not a direct answer to the argument that use of motorcycles is potentially the cheapest means of private motorised transport and therefore of importance for lower income groups. Given the acceptance that motorcycles create less congestion and less air quality issues than other forms of motorised transport, please provide a statement of the actual consequences in terms of revenue/funding for the scheme, traffic flows and environmental consequences were motorcycles to be exempt or otherwise not subject to user charges as elsewhere in or adjacent to London where charges are levied.</p>	
GA2.7	Applicant	<p>Package of river crossings: A number of Boroughs and other IPs have commented that the Silvertown Tunnel must be seen as part of a package of new river crossings in East London. To demonstrate this in addition to the references in the initial Update Documents (AS-021), a copy of the latest December 2016 TfL business Plan has been submitted (REP3-026). In this the Silvertown Tunnel is shown with a specific capital provision, but there are only qualified textual references to the proposed Rotherhithe to Canary Wharf pedestrian and cycle bridge and the proposed DLR connection between Gallions Reach and Thamesmead on page</p>	<p>LB Lewisham is one of the Interested Parties who has consistently raised this issue with TfL and the ExA. In particular, LB Lewisham's Written Representation (document reference: REP1-023), specifically paragraphs 1.5 and 4.37 to 4.48, provides further information. LB Lewisham also raised this concern at the Issue Specific Hearings, including the Issue Specific Hearing on 19 January 2017 on the DCO, and the points made are summarised in Lewisham's post-hearing submissions (document reference: REP3-037).</p> <p>LB Lewisham considers that the Applicant's response to this question does not address its points on the package of river crossings nor does it provide</p>

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		17 with a still lesser degree of commitment indicated for a possible ferry between North Greenwich and Canary wharf. Please indicate the degree of commitment to these other components of a cross river package and the dates by which construction is expected to commence and the links be open for use in comparison with the proposed Silvertown Tunnel.	sufficient certainty of, or commitment to, delivery.
DC	DCO WORDING		
DC2.4	Applicant, host and neighbouring Boroughs	<p>Article 52: If possible bring forward any agreed changes to this article such that there is no doubt that it would require adherence the revised Charging Policies and Procedures Document 7.11 (as further amended). Article 52(1) as currently drafted appears not to refer to this document as the determining policy document and is not explicit about the application of the UCAF procedure.</p> <p>A Revised copy of the Charging Policies and Procedures Document that would be certified under Schedule 14 should be supplied.</p>	<p>LB Lewisham has concerns with Article 52 and the Charging Policies and Procedures certified document.</p> <p>At the ISH on 19 January 2017, LB Lewisham made the oral representation that user changes should be required in perpetuity as the user charge is crucial to manage demand for the crossings and to ensure that for example, for political reasons, the user charge is not abandoned in the future. This is also set out in Lewisham's Written Representation (document reference: REP1-023) and post hearing submissions on the DCO (document reference: REP3-037). Please also see LB Lewisham's Deadline 4 submission document (document reference REP4-021).</p> <p>It was understood from TfL's Summary of applicant's submissions document for the 19 January 2017 ISH</p>

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			<p>(document reference: REP3-016) that TfL proposed to make no changes to this article. TfL stated in their summary document that the Charging Policies and Procedures certified document deals with the detailed charging mechanism and is the more appropriate place for this as it can react to changing circumstances.</p> <p>TfL has since suggested minor updates to Article 52 through the draft revised DCO provided to the neighbouring boroughs on 28 February 2017. The changes simply set out that TfL may revise the charging policy after it has <u>had regard</u> to the responses to consultation. There are no proposed changes to address LB Lewisham's concerns.</p> <p>LB Lewisham is of the view that TfL has not adequately responded to its concerns. If the intention is for the user charge to be imposed in perpetuity, there is no reason why this should not be specified in the dDCO or the certified document. At present, LB Lewisham is not aware of it being specified anywhere, and reiterate their request that it be specified within either the dDCO or the Charging Policies and Procedures certified document.</p>
DC2.5	Applicant	Article 56: Although the Applicant has argued against making specific commitments to other river crossings, and while mitigation might be inferred as being covered under terms like	See response provided in Section 3 of this submission in comments on the draft DCO (Revision 4).

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		<p>'operating', please explain why it would not be preferable to make mitigation a specific application for charges and, to the extent that additional cross river bus services are to be imposed as a requirement, why any funding requirements to guarantee such services should also not be explicitly referred to.</p>	
DC2.6	Applicant	<p>Article 58: A number of Boroughs express concern over the possibility of transference of TfL/GLA/Mayoral statutory responsibilities under this Article. Please indicate whether such is intended, and if not, how would this be precluded?</p>	<p>LB Lewisham has no further comments to make on TfL's response to this question.</p>
DC2.7	Applicant, host and neighbouring Boroughs	<p>Article 65: If possible bring forward agreed changes to this article to address widespread concerns over the composition, operation and powers of the STIG. Does LBN have a view on whether they should represent LCY or whether the airport should have direct representation as is proposed for HE.</p> <p>A copy of the revised combined Monitoring Strategy and Traffic Mitigation strategy should also be forwarded, again preferably in a form agreed with the Boroughs. It should include agreed monitoring thresholds relating to all roads that are of concern and direct monitoring of environmental effects as well as of traffic flows, so that there is local authority</p>	<p>LB Lewisham has concerns with the current provisions of Article 65 and the mechanisms and effectiveness of STIG. Detailed comments are set out within the Written Representation (document reference: REP1-023), Wording of the DCO (document reference: REP2-012) and post hearing submission on the DCO (document reference: REP3-037). Oral representations were also made at the ISH on 19 January 2017.</p> <p>As set out in the introduction to this document, LB Lewisham has engaged in further discussions with TfL since Deadline 3, including discussions on a reworked STIG. TfL shared a working draft of an amended Article 65 at one of the meetings and shared the draft via email on 24 February 2017. TfL subsequently shared a further draft, suggesting</p>

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		<p>support for what will be a certified document under Schedule 14.</p>	<p>further changes to Article 65 through the draft revised DCO provided to the neighbouring boroughs on 28 February 2017.</p> <p>LB Lewisham still has concerns with the amended draft, and the relevant comments are;</p> <ul style="list-style-type: none"> • Article 65(5) sets out the matters on which TfL must now consult members of STIG. It now removes what was Article 65(5)(e) on consulting STIG on proposals for cross-river bus services. This is concerning as the revised Bus Strategy seems to refer to consulting STIG and STIG being key to considering bus service provision, but yet this is no longer specified in the article on STIG. • There is still no requirement for STIG's recommendations on user charges to be binding on TfL/the Mayor. • Although the reference under Article 65(2) to TfL acting as Chair of STIG has been removed, new article 65(7) states that TfL must 'convene and chair' STIG meetings. Article 65(7) includes the words '<i>Unless agreed otherwise by STIG</i>' but it is not clear if this is referring to the frequency of meetings or TfL acting as chair. LB Lewisham's previous concerns over TfL acting as Chair

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			<p>remain and LB Lewisham requests clarification on Article 65(7) accordingly.</p> <ul style="list-style-type: none"> In LB Lewisham's dialogue with the Applicant since Deadline 3, it was understood that TfL would consult with the members of STIG on a range of matters relating to the implementation of the authorised development. This has been secured through the changes to article 65(5). However, it was LB Lewisham's understating that this engagement would remove the requirements for STIG meetings. This does not appear to be the case and LB Lewisham requests further clarification on this matter. LB Lewisham welcomes the inclusion in Article 65(11) that TfL must publish agendas, reports, minutes, and other relevant documents relating to the operation of STIG.
DC2.9	Applicant, Host Boroughs (including London Borough (LB) Tower Hamlets), other Boroughs,	Schedule 2 Requirements: Requirement 1 – Are the Boroughs content with the approach of securing the bus services through the tunnel by means of a requirement relating to a separate certified document? Please provide an updated (and preferably agreed version of the Bus strategy Document that would be certified under Schedule 14.	TfL provided LB Lewisham with working drafts of the draft DCO (including an amended Article 65), the combined monitoring and mitigation strategy, and the revised bus strategy on 28 February 2017. LB Lewisham provided some initial comments to TfL on 3 March 2017. It was understood that TfL would be making further amendments to these documents in advance of the Deadline 4 submissions, however it appears that no changes were made in response to LB Lewisham's initial comments and as such the

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	HSE, Historic England, MMO and EA	<p>Requirement 3 – The Applicant has to date resisted suggestions for tying the design to the submitted DAS and General Arrangement drawings, yet at least one Borough has suggested that ‘have regard to’ would still be insufficient to ensure that the worked up scheme reflected what has been presented in the application and considered in the ES. Please give further consideration to the wording of Requirement 3(1) in the light of continuing concern both by the ExA and Boroughs.</p> <p>Requirement 4 – In the light of the discussions during the DCO Hearing held on the 19 January 2017, please give further consideration to the wording of Requirement 4(3) to ensure that the detailed design of all works that would normally be subject to planning control would be subject to the approval of the relevant planning authority (i.e. excluding only those works that would normally be Permitted Development for a local highway authority).</p> <p>Requirement 5 – In the light of the discussions during the DCO Hearing held on the 19 January 2017, please review and update the way that Requirement 5(2) is structured. Bearing in mind continuing</p>	<p>Borough’s comments made at Deadline 4 continue to stand.</p> <p><u>Bus services and cycle transport</u> Whilst LB Lewisham notes that the Deadline 3 TfL draft DCO (document reference REP3-003) includes an updated requirement 13 on Cross-river bus services and required TfL to implement and act in accordance with the bus strategy, LB Lewisham provided comments on the draft revised Bus Strategy to TfL on 3rd March as described above. LB Lewisham has provided further comments on the bus strategy document submitted at deadline 4 in Section 3 of this written submission. .</p> <p>LB Lewisham asked TfL at their meeting on 3rd February to show the potential bus routes overlaid on to a deprivation map to ensure the new services link to the most deprived residents of the region. This has not yet been provided and LB Lewisham look forward to receiving this information. It is noted that the Bus Strategy does not include any indicative routing, as such this could be seen as a regression from the previous proposals.</p> <p><u>Monitoring and mitigation</u> LB Lewisham has provided further comments on the combined monitoring and mitigation strategy</p>

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		<p>concern from host boroughs and/or the PLA that more of the subsidiary plans should require their approval including the Construction Environmental Management Plan (CEMP), Construction Site River Strategy, Lighting Management Plan and Site Waste Management Plan, please provide further justification as to why there should be any division between plans requiring approval and those only requiring consultation. It is noted that the pre-ambles to what are currently separate sub-requirements (2) and (3) refer to parts of the authorised development and this would seem to cover the possibility of seeking separate approvals from LBN and RBG. The simplest solution would be to combine sub-requirements (2) and (3) so that all components of the CoCP would require approval of the relevant LPA (or other body) after appropriate consultation.</p> <p>Please also provide further justification for the absence of a draft CEMP before the Examination when such documents have been provided to accompany many made DCOs and the CoCP is itself intended to be a certified document. While it may be referred to in the CoCP, why does Requirement 5 not specify that the CoCP must secure no lesser mitigation than assumed in the ES? The issue</p>	<p>document submitted at deadline 4 in Section 3 of this written submission. .</p> <p><u>Air Quality</u> With regard to the ExA's question relating to the M4 Requirement, LB Lewisham has made comments on this at Question AQ2.2.</p>

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		<p>of ensuring that materially different or worse environmental effects do not arise under the provisions of the CoCP is raised in question CL2.6 under the heading of Construction on land. Amendment to Requirement 5 and to the CoCP may be required.</p> <p>Please provide an updated CoCP, preferably agreed with the relevant Boroughs and the PLA, in the form that would be certified.</p> <p>Requirement 6 – There has been discussion of whether there should be reference to the General Arrangement drawings in this requirement. Please provide appropriate wording or a justification for making no reference.</p> <p>Please could the host boroughs confirm whether they agree to the words, “in the opinion of the relevant planning authority” in R6(5) in respect of identifying which trees or shrubs have become seriously damaged or diseased? Is this a role that the host LPAs normally undertake? See also question TE2.3.</p> <p>Requirement 7 – Please amend wording in the light of the intended merger of the two subsidiary documents.</p>	

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		<p>Please provide a copy, preferably on an agreed basis with relevant Boroughs of the composite monitoring and mitigation strategy document. Roads subject to monitoring should include all those sought by host and adjoining Boroughs and/or raised by other IPs.</p> <p>Requirement 12 – Please consider whether response to Question NV2.2 would require amendment to the wording of this requirement.</p> <p>Requirement 13 – Are the Boroughs content that securing the new additional bus services through the tunnel is achieved through this requirement and a separate Bus Strategy document? Please provide a copy of the updated Bus Strategy, preferably in a form agreed with relevant Boroughs, This should commit TfL to the provision of the assessed number of through Silvertown tunnel bus routes and services (as a minimum), as well as provision for the through-tunnel shuttle service for cyclists (or other means to facilitate economical cross-river transport for cyclists). See also SWQ GA2.1.</p> <p>Requirement 16 – Are the relevant Boroughs</p>	

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		<p>content with the revised wording of this requirement bearing in mind the representation of LBTH (REP3-034)?</p> <p>Possible Additional Requirements:</p> <p>It has been suggested by the Applicant that contaminated land issues would be addressed by the CoCP rather than as often provided for by a separate requirement. Please explain how the CoCP would address this matter or provide an additional requirement.</p> <p>In REP3-017 it is suggested by the Applicant that it would be unlikely that the SoS would accept Grampian-style requirements to address the COMAH concerns of HSE. Please provide evidence for this assertion and also provide the text of a modified Grampian-style requirement to address the separate major hazard concerns over the storage of Hydro-fluoric Acid and other chemicals on the Brenntag site and the SGN gas-holder.</p> <p>Please either confirm that the issue of safeguarding, maintenance and enhancement of the river flood walls has been agreed within finalised Protective</p>	

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		<p>Provisions with the Environment Agency or provide agreed wording of an appropriate requirement.</p> <p>Bearing in mind the mandatory requirements of the Air Quality Directive, and the issue of uncertainty inherent in forecasting, please consider the desirability of including a requirement that would pick up elements of the M4 Requirement to which the ExA drew attention that would not be covered by Requirement 7 and the related certified Document in order to provide certainty that Directive requirements would not be breached. See also question AQ2.2.</p> <p>Archaeology – Are all Boroughs, Historic England and the MMO content that the Written Scheme of Investigation is addressed under the CoCP rather than requiring a separate requirement (and dDML condition). See also question HT2.1</p>	
TT	TRAFFIC AND TRANSPORTATION		

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TT2.1	The Applicant	<p>Regarding Action Point (AP) 1 from the Issue Specific Hearing held on the 17 January 2017, The Applicant was asked to provide 'a <i>comprehensive note giving full borough distributions of car trips that are not suppressed but re-assigned for Deadline 3 (D3). This should include detailed estimates of the projected behaviour impacts</i>'</p> <p>In relation to distribution of car trips that are not suppressed but reassigned, the information provided [REP3-025] does not address the issue of potential redistribution of trip origins and destinations. The Applicant notes that the assignment model does not have the capability of providing insights into this very important aspect of the spatial implications of the scheme for and the ability of selected population groups, in particular less well-off people, to avail of new opportunities. The Applicant is asked to revisit this request and exploit the capabilities of the overall model system including the demand model.</p>	LB Lewisham has no further comments to make on TfL's response to this question.
TT2.2	The Applicant	<p>Regarding AP 2, the Applicant was requested to supply 'a <i>comprehensive note showing the journey time and generalised cost impacts for those forecast to switch from car to bus for D3 (to include disaggregated data for population sub groups and also displayed in the form of maps</i>'.</p> <p>The information supplied [REP3-025] does</p>	It can be seen that there are benefits to residents of and visitors to the borough along the lines of the proposed new bus routes which are welcomed. However, LB Lewisham is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such these benefits cannot be guaranteed.

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		<p>not adequately address the question posed by the ExA; the Applicant is now asked to review the information supplied and fully address the request while acknowledging any limitations in the material supplied.</p>	
TT2.3	The Applicant	<p>Regarding AP 7, the Applicant was asked to provide <i>'a comprehensive note on the uncertainty and associated level of confidence that can be afforded to the traffic forecasts that feed into the environmental assessments, whether numerically or in qualitative terms for D3'</i>.</p> <p>The response [REP3-027] is a comprehensive description of the matters of interest. However, the ExA requests that the Applicant quantifies the potential compounding effect of uncertainties in inputs, specification errors and parameter estimates for the scale of uncertainty in the transport model system. The Applicant is also asked to provide estimates of the implications of this effect for uncertainty in the inputs feeding into the environmental assessments.</p>	<p>In its response to the ExA's Second Written Questions [REP4-055], TfL has provided some explanation of traffic model uncertainty. However, no discussion or testing of how this uncertainty might increase the inaccuracy of air dispersion modelling outputs in the air quality assessment has been provided.</p> <p>LB Lewisham remains concerned that there has been no sensitivity testing of air quality impacts, based on the uncertainty of the various model input parameters. As noted in LB Lewisham's Deadline 4 submissions, the issue of uncertainty and transparency has the potential to undermine the entire air quality assessment.</p>
TT2.4	The Applicant	<p>Regarding AP 12, the Applicant was requested to supply <i>'a detailed analysis of projected Net Present Value (NPV) without implementation of bus strategy for D3'</i>.</p> <p>Can the Applicant expand on the material</p>	<p>It is clear that economic benefits are significantly reduced without the bus services. LB Lewisham is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such benefits cannot be guaranteed and brings in to question the economic</p>

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		supplied [REP3-029], in particular taking account of the likely behavioural implications of such a scenario and the implications of those effects on the ultimate NPV.	benefits of the scheme.
TT2.5	The Applicant	<p>Re. AP 13, the Applicant was asked to provide <i>'a BCR for the scheme assuming without implementation of bus strategy and scheme funded publicly (not PPP) for D3'</i>.</p> <p>The claim in the Applicant's response [REP3-029] <i>'A BCR calculation is not appropriate for the Scheme as it has a negative cost...'</i> needs further clarification given the question concerns alternative funding mechanisms and scope of measures. The matter of hypothecation of any revenue and economic benefits to users and non-users should be taken into consideration in addressing this request. Can the Applicant revisit its response to this question?</p>	LB Lewisham has no further comments to make on TfL's response to this question.
TT2.6	The Applicant	<p>Regarding AP 14, the Applicant was asked to provide economic assessments <i>'of any alternatives* that were taken through to comparative assessment for D3 to include monetary valuation of costs and benefits (*to include performance of preferred scheme at comparable stage of scheme development)'</i></p> <p>The detailed response [REP3-030] is comprehensive in its description of</p>	LB Lewisham has no further comments to make on TfL's response to this question.

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		<p>alternatives considered/assessed. In line with the HMT's Five Case Model Guidelines, can the Applicant provide quantitative estimates of the economic impacts of these alternatives, encompassing both costs and benefits, including any estimates of wider economic benefits?</p>	
TT2.7	The Applicant	<p>Regarding AP 16, the Applicant was requested to supply '<i>a comprehensive note explaining the intended local benefits/enhancements to offset the dis-benefits to some low income groups within the host or nearby boroughs for D3. This should include detailed figures by socio-economic group by borough and also displayed in map form</i>'.</p> <p>The material supplied is comprehensive [REP3-024]. The Applicant is however asked to enhance the quantitative information supplied to differentiate between lower income car users and existing public transport users in its description of impacts of the scheme. It is also noted that Figure 3-4 illustrates the trip origins of low income groups.</p> <p>Can the Applicant review this information and data for other scenarios in the light of its response to AP 1 (TT1).</p>	<p>It can be seen that there are disbenefits to low income highway users. The benefits to low income public transport users are only realised if the bus routes are implemented. LB Lewisham is concerned that the Bus Strategy does not contain sufficient commitment to the level of service nor any proposed routes. As such these benefits cannot be guaranteed.</p>

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF LEWISHAM'S COMMENTS ON APPLICANT'S RESPONSE
AQ	AIR QUALITY		
AQ2.1	Applicant and host LPAs	<p>The Panel notes the Applicant's commitment to merge the Mitigation Strategy and the Traffic Impacts Mitigation Strategy (TIMS) documents for D4. The Panel urges the Applicant to ensure that the triggers for mitigation in the TIMS document must reflect the levels of traffic that have been assessed in the ES chapters for noise and air quality, and clear environmental triggers (for air quality and noise) which indicate the point at which mitigation has to be implemented, must also be included in this document, and agree these with the host LPAs prior to D4.</p> <p>The Applicant's written summary of Oral Case for the ISH on 17 January 2017, stated that "<i>consideration will be given to setting separate triggers for the Blackwall and Silvertown Tunnel</i>", however the Panel considers that this is essential, so that effective and timely mitigation can be implemented should the traffic levels using the Silvertown Tunnel vary significantly from those assessed. In addition, the Panel urges the Applicant to review and remove the hurdles that are proposed in TIMS, so that there is certainty that essential mitigation would be implemented if the assessed traffic</p>	<p>The revised M&MS [REP4-046] rejects absolute air quality trigger metrics and places reliance on the opinions of an expert appointed by TfL, in consultation with STIG members.</p> <p>LB Lewisham is concerned that this is not prescriptive enough. It potentially leaves too much uncertainty with regards to what might be considered an impact that could be significantly different to that assessed in the ES and for which mitigation might need to be applied.</p> <p>TfL also states in the M&MS that mitigation measures will only be proposed if there is shown by the expert to be a "<i>material worsening in air quality as a result of the scheme</i>". Any proposed mitigation would then need to be approved by the Mayor. LB Lewisham is concerned that TfL has not defined what a material worsening of air quality means and how this would be determined from the results of the assessed case. In their deadline 4 submission [REP4-021] LB Lewisham requested that TfL explain how "<i>Not Materially Worse Than</i>" differs from "<i>Not Environmentally Worse Than</i>".</p> <p>TfL also states in their M&MS that they engaged with the London Boroughs, including Lewisham, and took their views into account in preparing the</p>

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF LEWISHAM'S COMMENTS ON APPLICANT'S RESPONSE
		levels are exceeded. Also see question DC2.7.	document. LB Lewisham does not feel that its views have been taken into account, particularly as monitoring has not been proposed in key areas where it has requested it.
AQ2.2	Applicant and RBG, LBN, LBTH	<p>The Panel notes the Applicant's intention to review the terms of reference and chairing of STIG. However, it wishes to make clear that if the Applicant remains the decision maker and STIG's role is only advisory, the Panel has no comfort that, should the Order be made, essential mitigation would be implemented in the manner assessed in the ES, or in a timely manner. Therefore, in this scenario a Requirement along the lines of R26 of the M4 DCO would be necessary on air quality matters, although the Panel also recognises that the application proposals, as currently drafted would include more monitoring locations than if the R26 M4 wording was to be used here. However, the Panel, in drawing attention to R26 of the M4 DCO, did not imply that any Silvertown Tunnel requirement for air quality would replicate the M4 requirement, merely that something "along the lines of" that requirement should be considered. It is not advocating less monitoring than that proposed in the ES.</p> <p>The Applicant does not appear to have</p>	<p>It is noted that elements of R26 of the M4 DCO have been included in TfL's M&MS [REP4-046]. However, LB Lewisham's concerns raised in their comments on this question in their deadline 4 submission [REP4-021] remain. In essence, this is that doubt remains as to whether effective mitigation could actually be delivered in areas of key air quality concern.</p>

QUESTION NUMBER	QUESTION TO	QUESTION	LONDON BOROUGH OF LEWISHAM'S COMMENTS ON APPLICANT'S RESPONSE
		<p>accepted this in the D3 DCO; the Panel now urges the Applicant and host authorities to consider drafting such a requirement, otherwise it is likely that the Panel will do so in its draft recommended DCO at D5, unless all matters related to STIG and TIMS are resolved to the satisfaction of the Panel and the host authorities. In any event the Panel reserves its right to propose modifications and additions to the Applicant's dDCO at D5. See also question DC2.9.</p>	
AQ2.4	<p>London Borough of Lewisham (LBL), London Borough of Southwark (LBS)</p>	<p>Please can LBL and LBS provide their views on the additional modelling work recently undertaken by the Applicant, in relation to their concerns about the potential impacts on receptors along local roads in their boroughs that would be subjected to the highest levels of traffic changes arising from the scheme (this information is provided as [REP3-016], item 4.12, and [REP3-032], Appendix 8).</p> <p>Please can the neighbouring authorities also provide the Examination with an update on their views as to whether the proposed development would impact their ability to achieve EU limit values, on the basis of this new information?</p>	<p>As stated in LB Lewisham's deadline 4 submission response to this question [REP4-021], LB Lewisham remains concerned that the air quality assessment is not robust. If this is held to be the case, then it follows that the conclusions drawn from the air quality assessment, and hence the requirements for monitoring and/or mitigation, could be unsound. Lewisham has therefore not changed its view from previous submissions that the scheme could adversely affect their LAQM and EU responsibilities.</p>

3. LONDON BOROUGH OF LEWISHAM'S COMMENTS ON THE APPLICANT'S DEADLINE 4 SUBMISSIONS

3.1 This section of the submission provides LB Lewisham's comments on the following written submissions made by TfL at Deadline 4:

- draft DCO Revision 4 (Document ref: REP4-025)
- combined Monitoring and Mitigation Strategy (Document ref: REP4-046)
- revised Bus Strategy (Document ref: REP4-044)
- Charging Policies and Procedures (Revision 2) (Document Ref: REP4-039)

3.2 Draft versions of the above documents (with the exception of the Charging Policies) were provided by TfL to LB Lewisham and the neighbouring boroughs on Tuesday 28 February 2017, requesting comments no later than Thursday 2 March 2017. Comments were provided to TfL on 2nd March 2017, and copies of these were appended to LB Lewisham's written submissions at Deadline 4 (document reference: REP4-021).

3.3 LB Lewisham's further detailed comments on these documents are set out below.

Monitoring and Mitigation Strategy.

3.4 LB Lewisham welcomes a simplified merged document but the document submitted at Deadline 4 is still considered to be overly lengthy.

Monitoring locations

- 3.5 Paragraph 3.11.2 sets out how any STIG members can request changes to the monitoring to enable the impacts of the scheme to be fully captured. Throughout the consultation, LB Lewisham has identified areas that require monitoring and whilst traffic monitoring on some roads in the borough have now been added, the full list of monitoring requests has not been included in the submitted document. This lack of willingness from TfL at this stage gives no confidence for future changes to the monitoring in future as suggested in the latest draft.
- 3.6 As stated in previous representations and at the recent TfL meetings, LB Lewisham requires monitoring (of both traffic flow and air quality) on key corridors in the borough. The traffic and air quality monitoring proposed by TfL within the Borough does not include key links identified by the Borough throughout the process, most recently reiterated in the Deadline 4 submission. These are A21, B218 and A221.
- 3.7 One junction on the A21 has been added but this is not at a key junction such as the A21/A205 junction. As described above, there is no proposal to monitor the performance of the link.
- 3.8 There is some confusion as to why the following site has been added as it is not on LB Lewisham's list of routes of concern; A2218 Southend Lane / Dunfield Road / Brookehowse Road.

- 3.9 The proposed trigger points are yet to be agreed by LB Lewisham and there is concern that they may become watered down. There is some lack of clarity around the triggers and despite TfL advising that the Deadline 4 Submission will describe how triggers have been developed it does not contain this information.

Air Quality

- 3.10 With regard to air quality effects, LB Lewisham notes that air quality monitoring points have now been included within the Borough along and close to the A200, Lower Road. LB Lewisham welcomes this. However, it is disappointing that the other key corridors in the borough, listed above, are excluded. Significant concern also remains about how data from this monitoring will be effectively used to mitigate any adverse air quality impacts from tunnel traffic.
- 3.11 LB Lewisham also makes the following comments:
- Appointment of any air quality expert to review and advise on mitigation measures must be transparent and impartial.
 - There is little faith that the mitigation measures proposed by TfL will be effectively deliverable.
 - It is not clear what difference there is between TfL's use of "*Not Materially Worse Than*" compared to "*Not Environmentally Worse Than*" with regard to actual impacts compared to those that have been predicted in the ES.

Mitigation Triggers

- 3.12 The M&MS states that the triggers will cover the 'Area of Influence' (AOI). The coverage of the AOI was contested as not extending far enough to the south. Concern remains that the monitoring does not extend far enough away from the scheme to consider the key routes within Lewisham.

- 3.13 LB Lewisham have previously raised the need for additional triggers and reiterate here that monitoring needs to consider peak and peak compression effects and that triggers are needed for the following;
- journey time reliability needed on local roads
 - road safety needs to be monitored on all routes not just the tunnels;
 - impacts need to be assessed for peak hours and compressed peak effects
- 3.14 LB Lewisham are concerned that there is no commitment to mitigation funding and whilst they understand TfL do not want this fund to be capped by specifying a figure, the council requested that TfL should provide a minimum level of funding commitment. At the time of writing no figure has been provided by TfL.

Draft DCO (Revision 4)

- 3.15 LB Lewisham's most recent comments on the dDCO are set out in the 'Post-hearing submissions on the DCO', submitted at Deadline 3, and the Borough's written submissions at Deadline 4 (document reference: REP4-021). . LB Lewisham note that many of their concerns are not addressed through the revised draft DCO (Revision 4) submitted by the Applicant at Deadline 4.

Article 43: Closing the tunnels

- 3.16 TfL propose no further changes to this article. LB Lewisham reiterates their request that TfL should notify the borough in advance of proposed closures of the tunnels due to the impact of closing the tunnels on Lewisham's road network. This should be specified in the DCO.

Article 52: The charging policy

- 3.17 TfL propose minor wording amendments to this article but these do not address LB Lewisham's concerns. Concerns remain as per the post hearing submissions – that the Mayor should not have the final say on the Charging Policies and Procedures and user charge, and that the user charging should be required in perpetuity. The proposed wording states that TfL may revise the charging policy but only after it has "had regard to the responses to the consultation carried out...", but the decision on user charges remains with TfL and the Mayor.

Article 56: Application by TfL of charges levied

- 3.18 LB Lewisham set out concerns with Article 56 within the written representation (document reference REP1-023) and LB Lewisham's post hearing submissions on the dDCO and the Traffic and Transport ISHs (document reference: REP3-037). Oral representations were also made at the ISH on 19/01/2017.
- 3.19 The Applicant's draft DCO (Revision 4) includes a minor update to Article 56 to include "*paying the costs and expenses incurred...in relation to the implementation of necessary mitigation*" within Article 56(a).
- 3.20 Whilst this appears to be a slight improvement on the version of Article 56 included in the draft DCO (Revision 3) (Ref: REP3-003), this does still not address LB Lewisham's concerns as set out in its post hearing submission. In summary, there should be a hierarchy for spending the charges levied and there should be an additional bullet point to make provision for payments to go into a dedicated fund for a package of crossings and sustainable transport measures.

Article 65: Silvertown Tunnel Implementation Group

3.21 LB Lewisham's comments on the revised Article 65 are set out in Section 2 of this submission in response to second written question DC2.7 .

Requirement 7

3.22 Requirement 7 has been substantially revised in the draft DCO Revision 4. LB Lewisham welcomes the additional detailed provisions within the requirement and the clear relationship to the Monitoring and Mitigation Strategy. However, LB Lewisham's concerns with the M&MS are also relevant to Requirement 7.

3.23 LB Lewisham request that the requirement provides that TfL has to consult the members of STIG to identify the scope of the network to be assessed under R7(1). LB Lewisham is concerned that the statement 'having regard to any consultation responses received from STIG members...' in R7(2), will still allow TfL to take the final decision on the content of the mitigation strategy. LB Lewisham shares the view of LB Hackney that there should be an independent chair of STIG to minimise the risk that the views of the neighbouring boroughs are marginalised.

3.24 LB Lewisham notes that under R7, the scheme of post-opening traffic mitigation measures will be submitted to the Secretary of State for Transport (SoS) for approval. LB Lewisham is concerned that the SoS may not want to perform this function and requests clarification from TfL that the approval process set out in R7 has been discussed and agreed with the SoS. There is also concern that the SoS may not be entirely familiar with the local concerns of, and impacts on, the neighbouring boroughs and will not be able to identify if any of these concerns have been marginalised by TfL when it prepared the scheme of mitigation.

Requirement 13: Cross-river Bus Services

3.25 Requirement 13 relates to the provision of cross-river bus services. LB Lewisham has provided comments on this in its comments on the Bus Strategy which are set out below.

Bus Strategy

3.26 It is welcomed that there is now a commitment to the level of peak hour buses, however, this is significantly lower than in the Assessed Case. There is general concern that the commitments in the strategy are not effective or binding and the commitment to a level of service or benefits do not match those presented elsewhere in other examination materials. The Borough has made specific representation on these points and TfL has not adequately addressed these within the submitted document and as such it cannot be agreed by the Borough. It is disappointing that the proposed Bus Strategy emphasises the importance of bus services and the great opportunities that this scheme proposes to bus provision, but yet these benefits do not appear to be delivered.

Commitment 1 – residential concession.

3.27 The £2m funding for concessionary bus travel is only available for the host boroughs and not for residents of LB Lewisham. Given the proximity of Lewisham to the scheme and the potential impact of additional trips on the borough network this is unacceptable. LB Lewisham requests that residents of the borough are also eligible.

Commitment 5 – TfL must secure the provision of not less than 20 buses per hour during peak periods in each direction through the tunnel.

3.28 LB Lewisham is pleased to see there is now a commitment to a level of service, however, the commitment of 20 buses per hour is too low, being only just over half the level modelled in the Assessed Case.. As previously stated by the Borough, a commitment to

the level of bus services as within the Assessed Case is required as a minimum. This is what has been assessed with the ES and against which the benefits of the scheme have been assessed.

- 3.29 The proposed updated Article 65 removes cross river bus services from one of the matters that STIG may consider. Therefore, it is unclear as to how STIG will actually be involved in the agreement of bus services where there appears to be no provision for their involvement within the DCO.

Commitment 8 – services for Growth Boroughs to access employment.

- 3.30 The importance of the Growth Boroughs is understood but this excludes LB Lewisham which is more directly affected by the proposals than many Growth Boroughs. As previously highlighted, LB Lewisham contains very deprived wards, Commitment 6 needs to therefore include these boroughs specifically if it is to meet TfL's aspiration to ..."improve access in areas of deprivation." The definition would perhaps be better as STIG boroughs rather than Growth Boroughs.
- 3.31 LB Lewisham notes that there is no indicative bus route plan included within the strategy. There is therefore uncertainty that residents of LB Lewisham will benefit from new services.

Charging Policies and Procedures (Revision 2)

- 3.32 LB Lewisham has serious concerns with Policy 6, the discount of 50% on the user charge for low income residents of the host boroughs. As highlighted throughout the process, LB Lewisham has some of the most deprived wards in the country and is very close to the scheme. As such the residents of neighbouring boroughs who meet the criteria should also be eligible for the same discount as host boroughs. The methodology must be fair and not just based on borough boundaries.

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3.33 The policy does not contain a commitment for the user charges to continue in perpetuity. LB Lewisham has raised this in previous consultations and is disappointed to not to see a commitment within the submitted document.